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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 ERIK R. BLACK, } 3:07-CV-0562-BES (RAM)
9 Plaintiff, } **ORDER**
10 vs. }
11 HOWARD SKOLNIK, et al., }
12 Defendants. }
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14 Plaintiff has filed a Motion for Default Judgment (Doc. #13). Defendants have filed an
15 Opposition to Motion for Default Judgment (Doc. #15) and Plaintiff has replied (Doc. #20).

16 On January 31, 2008, the court ordered the Complaint to be filed and directed the Clerk
17 of Court to send a copy of the Complaint to the Office of the Nevada Attorney General and gave
18 the Attorney General twenty (20) days to advise the court whether they could accept service
19 for the named Defendants (Doc. #8). For whatever reason, this Order was not received by the
20 Attorney General's Office. When this was brought to the court's attention, the court issued
21 another Order on April 21, 2008, giving the Attorney General's Office an additional twenty (20)
22 days to advise of acceptance of service (Doc. #11).

23 Plaintiff did not file the Motion for Default until April 25, 2008, four (4) days after the
24 court's order permitting an additional twenty (20) days. When Plaintiff filed his Motion no
25 Defendant was in default as the court had granted additional time to respond. Under these
26 circumstances entering default judgment against Defendants would be improper.

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1 Plaintiff's Motion for Default Judgment (Doc. #13) is **DENIED**.
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5 DATED: August 7, 2008.
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UNITED STATES MAGISTRATE JUDGE